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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,945	04/12/2004	Koichi Sato	Q91035	2364

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

BOLDEN, ELIZABETH A

ART UNIT	PAPER NUMBER
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1793

MAIL DATE	DELIVERY MODE
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01/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/821,945	Applicant(s) SATO, KOICHI	
	Examiner Elizabeth A. Bolden	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/057,953.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/057,953, filed on 29 January 2002.

Information Disclosure Statement

The IDS submitted 12 April 2004 has been considered by the Examiner.

Drawings

The original drawings received on 12 April 2004 are accepted by the Examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-33 and 62-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zou et al, U.S. Patent 6,995,101.

Zou et al. teach an optical glass composition comprising P_2O_5 , Nb_2O_5 , WO_3 , TiO_2 , Li_2O , K_2O , and Na_2O in terms of mole percent. See Abstract and column 4, line 34 to column 6, line 17. Fujiwara et al. teach an optical glass having overlapping ranges of refractive index and Abbe number. See Abstract and column 4, lines 17-32. Zou et al. teach a method of making a press molding perform as recited in instant claims 27, 30-33, 62, and 65-68. See column 6, lines 37-67.

Zou et al. differs from the instant application by not teaching any examples sufficiently specific to anticipate the compositional limitations instant claims 27 and 62.

However, it is believed that the mole percent ranges disclosed by Zou et al. if converted to weight percent would have overlapping compositional ranges with instant claims 27 and 62-

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64. See Abstract and column 4, line 34 to column 6, line 1. Overlapping ranges have been held to establish *prima facie* obviousness. MPEP 2144.05.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges disclosed by the reference because overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

One of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the same dripped and flowed viscosity, liquidus temperature, and sag temperature as recited in instant claims 28, 29, and 62-64.

Claims 27-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato, Japanese Patent 07-247,136 in view of Zou et al, U.S. Patent 6,995,101.

A machine-generated translation of JP 07-247,136 was supplied with the IDS filed 12 April 2004. In reciting this rejection, the examiner will cite this translation.

Sato teaches an optical glass and optical "good" having a yield point of less than or equal to 570 °C. See Abstract of Sato. The optical product such as a lens can be formed in a press mold using a precision press to form a glass lump into an aspherical lens. See abstract of Sato and paragraph [0021]. The reference discloses that the glass is comprised in weight percent of 16-38% P₂O₅, 1-20% B₂O₃, 14-44% Nb₂O₅, 7-26% PbO, 1-20% WO₃, 0-10 TiO₂, 0-5% Li₂O, 0-18% Na₂O, 0-13% K₂O. See Abstract of Sato. Sato teaches a refractive index of 1.73-1.84 and an Abbe number of 29-23. See paragraph [0004].

Sato differs from the instant claims by not the process for preparing the press-molding perform. See column 6, lines 37-67.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the press-molding performs of Sato by the process of Zou et al. because the press-molding preform would have the composition and properties of Sato.

One of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the same dripped and flowed viscosity, liquidus temperature, and sag temperature as recited in instant claims.

Response to Arguments

Applicant's arguments filed 5 October 2007 have been fully considered but they are not persuasive.

Applicant's argue that the Zou et al, U.S. Patent 6,995,101, does not meet the requirement of prior art based on 103(c) by stating the instant application and the patent are commonly assigned. This is not deemed persuasive since while the application and the patent are commonly assigned the statement does not include a statement that they were commonly assigned at the time the invention was made, as required by 103(c)(1) as recited below.

35 U.S.C. 103. Conditions of patentability; non-obvious subject matter.

(c)

(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 571-272-1363. The examiner can normally be reached on 10 am to 6:30 pm.

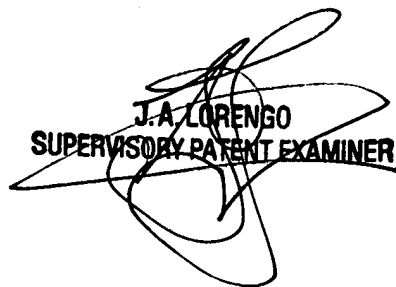
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAB

9 January 2008


J.A. LORENZO
SUPERVISORY PATENT EXAMINER